REMARKS

The Office Action of June 24, 2004, has been reviewed, and in view of the foregoing amendments and following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Applicants believe that the combination of claim limitations as recited are not disclosed or taught by any of the cited references, alone or in combination. Reconsideration is therefore earnestly requested. No new matter is added with this amendment.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 3, 5-7, 17, 19, 23-25, 27, 32, 36-38, 48, 50, 54-56 and 58 are currently rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,654,745 to Feldman.

For a proper rejection under 102(e), each and every limitation of the claims must be shown in a single reference. Feldman *et al* fails to show each and every limitation as claimed by Applicants. Therefore, the rejection is improper and should be withdrawn.

Feldman *et al* fails to disclose at least the claim limitations of "*storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier;*" "*enabling resource data retrieval based on the unique specifier wherein the resource data comprises dependency data;*" and "*verifying the dependency data at a deployed resource repository.*" Similar limitations are recited in independent claim 32. These combinations of limitations are simply not shown by Feldman *et al.*

Claim Rejections - 35 U.S.C. § 103

Claims 2, 11-16, 33 and 42-47 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 6,681,242 to Kumar *et al.* Claims 4 and 35 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 5,369,570 to Parad. Claims 8-10 and 39-41 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 6,636,597 to Porter. Claims 18 and 49 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 6,578,198 to Freeman *et al.* Claims 20-22, 26, 51-53 and 57 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 6,385,650 to Skog *et al.* Claims 28 and 59 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 5,854,895 to Nishina *et al.* Claims 29-31 and 60-62 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of U.S. Patent No. 6,615,267 to Whalen *et al.*

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP §2143, p. 2100-124 (8th Ed., rev. 1, Feb. 2003).*

Controlling Federal Circuit and Board precedent require that the Office Action set forth specific and particularized motivation for one of ordinary skill in the art to modify a primary reference to achieve a claimed invention. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir.

2000) ("[t]o prevent a hindsight-based obviousness analysis, [the Federal Circuit has] clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would have led one of ordinary skill in the art to combine the references.").

Here, there has been no citation of any teaching anywhere in the art of any need for "*storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier;*" "*enabling resource data retrieval based on the unique specifier wherein the resource data comprises dependency data;*" and "*verifying the dependency data at a deployed resource repository.*". The Office Action has failed to identify any teaching of that problem specifically. When a primary reference is missing elements, the law of obviousness requires that the Office Action set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz*, 234 F.3d at 664. In other words, there must be some recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention. Because such a proper motivation to combine is missing, the combinations are improper and the rejections should be overturned.

Even if the combination of reference are combined as suggested by the Office Action, the combination would nevertheless fail to disclose the combination of claim limitations. The Office Action admits that Feldman does not show the step of ensuring dependencies to related to the resource are satisfied. For this deficiency, the Office Action relies upon Kumar *et al.* The Office

Action alleges that Kumar *et al* teaches that it is desirable to ensure dependencies related to the resource are satisfied in order to prevent a deadlock situation, which has nothing to do with the missing claim limitations. Based on that alleged teaching, the Office Action concludes that it would have been obvious to modify Feldman in view of Kumar *et al*. However, the combination of Feldman and Kumar *et al* fails to teach at least the combination of claim limitations as currently amended. The remaining applied references fail to make any mention of the admitted missing limitations of Feldman.

The proposed combination of references fails to disclose, teach or suggest "*storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier*;" "*enabling resource data retrieval based on the unique specifier wherein the resource data comprises dependency data*;" and "*verifying the dependency data at a deployed resource repository.*" as recited in independent claim 1. Similar limitations are recited in independent claim 32.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-62 be withdrawn. Feldman as well as the combinations of Feldman and Kumar *et al*; Feldman and Parad; Feldman and Porter *et al*; Feldman and Freeman *et al*; Feldman and Skog *et al*; Feldman and Nishina *et al*; and Feldman and Whalen *et al* all fail to disclose the claimed combination of limitations. In addition, there is no proper motivation for modifying the references as suggested by the Office Action to include the missing limitations. As discussed above, there are clear differences between the present invention and Feldman. As further disclosed above, there are clear differences between the present invention and the combinations of Feldman and Kumar *et al*; Feldman and Parad; Feldman and Porter *et al*; Feldman and

Freeman *et al*; Feldman and Skog *et al*; Feldman and Nishina *et al*; and Feldman and Whalen *et al*. The references fail to show, teach or make obvious the invention as claimed by Applicants. For at least the reasons presented above, the rejections should be withdrawn.

CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Date: September 24, 2004

By:_____
Yisun Song
Registration No. 44,487 for
Thomas E. Anderson
Registration No. 37,063

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (phone)
(202) 778-2201 (fax)